

**REMARKS**

This responds to the Final Office Action mailed on November 25, 2009.

Claims 1 and 3 are amended and no claims are canceled or added. As a result, claims 1 and 3 remain pending in this application.

**The Rejection of Claims Under § 103**

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (US Patent 6,496,825; hereinafter “Klein”) in view of Bromberg et al. (US Patent 5,819,066; hereinafter “Bromberg”).

As previously argued, Klein describes a system for offloading transaction processing activities as described in the first paragraph of the “SUMMARY OF THE INVENTION.” This highlights that Klein is a thread-based processing system, where even if there is some form of data archiving, it is performed within the context of a transaction processing thread. In contrast, claim 1 is directed to a method that receives electronic data that may originate in a thread, but the processing in the claim is for archiving and not related to the processing of the data within the thread of the transaction that is being archived. Further, the archiving, as specified in the claim is performed by a different system than the system from which the data originated. Bromberg fails to cure these deficiencies in Klein as it simply provides benchmarking applications for testing database server performance and not archiving of electronic data of transactions as an intermediary, outside of a transaction thread and by a system other than that producing the data.

In response to this argument the Office Action asserted that “the claim language only refers to processing ‘electronic data relating to a transaction’ to identifying ‘electronic documentation items’ and ‘archiving the documentation items in a data storage system or device, the archiving including storing the documentation items on the data storage system or device.’ There is also no claim language stating that ‘the processing’ of claim 1 “is for archiving and not related to the processing of the data within the thread of the transaction that is being archived.””

To further clarify the argued distinction between the claims and the asserted combination of references, Applicant has amended independent claim 1 to provide that receiving the electronic data is a “receiving … copies of electronic data” as supported in the application as

originally filed in the paragraph beginning at line 18 of page 3, the paragraph beginning at line 28 of page 3, the paragraph beginning at line 30 of page 4, and the paragraph beginning at line 14 of page 6, among other locations. As the received electronic data is a copy of the data, it is not related to the processing of the data within the thread of the transaction.

Applicant has further amended claim 1 to provide that the copies of the electronic data “is received only for the purpose of maintaining a central archive repository of e-commerce activity documentation of e-commerce activity.” This amendment is supported in the application as originally filed on page 5, lines 2-4, generally in the paragraphs beginning at lines 18 and 30 of page 4, and by the entirety of the specification. This amendment clarifies that the processing in the claim is for archiving.

Thus, in response to the assertion in the Office Action that “There is also no claim language stating that ‘the processing’ of claim 1 ‘is for archiving and not related to the processing of the data within the thread of the transaction that is being archived.’” Applicant respectfully submits that the archiving and processing outside of transaction processing threads is now clearly reflected in the claim language. Thus, Applicant respectfully submits that claim 1 is patentable over the asserted combination of Klein and Bromberg.

Claim 3 is similarly amended and Applicant respectfully submits that claim 3 is therefore also patentable over Klein and Bromberg.

Applicant respectfully requests entry of the amendments to claims 1 and 3, withdrawal of the 35 U.S.C. § 103(a) rejections, and allowance of claims 1 and 3.

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE**

Serial Number:10/666,728

Filing Date: September 19, 2003

Title: SYSTEM, METHOD AND SOFTWARE FOR ACQUIRING, STORING AND RETRIEVING ELECTRONIC TRANSACTIONS

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**CONCLUSION**

Applicant respectfully submits that claims 1 and 3 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6938 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23<sup>rd</sup> day of July, 2010.

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